

SEP 26 2005

PTO/SB/64 (09-04)

Approved for use through 07/31/2008. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

SF0695C

First named inventor: VALLADEAU, Jenny

Application No.: 10/829107

Art Unit: 1645

Filed: 04/21/2004

Examiner: Swartz, Rodney P

Title: ISOLATED MAMMALIAN MEMBRANE PROTEIN GENES; RELATED REAGENTS

RECEIVED
OIPE/IAP

Attention: Office of Petitions 09/28/2005 AKELECH1 00000003 190365 10829107
 Mail Stop Petition 01 FC:1453 1500.00 DA
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450
 FAX (703) 872-9306

SEP 28 2005

NOTE: If information or assistance is needed in completing this form, please contact Petitions
 Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or
 action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration
 date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications
 filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee
☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1500.00 (37 CFR 1.17(m))
2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
 the form of _____ (identify type of reply):

- ☐ has been filed previously on _____
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ 1730.00

- ☐ has been paid previously on _____
☒ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the
 USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to
 complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any
 comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer,
 U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED
 FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/64 (09-04)

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3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Melodie W. Henderson
Signature

September 26, 2005
Date

Melodie W. Henderson

37,848

Typed or printed name

Registration Number, if applicable

CUSTOMER No. 24265

908-298-7482

Address

Telephone Number

Address

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☒ Other: Issue Fee-DUPLICATE; Cert. of Fax Transmt(9/20/05)-1 pg; Fax Cover (9/20/05)-1 pg.

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

September 26, 2005
Date

Melodie W. Henderson
Signature

Melodie W. Henderson

Typed or printed name of person signing certificate

SEP 26 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/829,107 Confirmation No. 6480
Applicant : Jenny Valladeau *et al.*
Filed : April 21, 2004
TC/A.U. : 1645
Examiner : Swartz, Rodney P
Docket No. : SF0695C
Customer No. : 24265

September 26, 2005

Attention: Office of Petitions
Mail Stop: PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Fax: 571-273-8300

STATEMENT PURSUANT TO 37 C.F.R. 1.137(b)

Enclosed herewith are a Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b), a Fee Transmittal authorizing the required fee of \$1,500.00 under 37 CFR 1.17(m), and the following documents which should have been faxed on September 20, 2005: Fax Cover Page, Certificate of Fax Transmission and Issue Fee Transmittal.

The delay in filing the Issue Fee was unintentional. The Issue Fee Transmittal, Certificate of Fax Transmission and Fax cover sheet were signed and dated by the undersigned attorney with the intention of paying the Issue Fee by facsimile on September 20, 2005. On that day, the undersigned attorney's administrative assistant informed the assignee's docket administrator that the Issue Fee was to be filed by fax that day and placed the file with the above-referenced signed and dated documents on the administrator's desk for review. Inadvertently, the documents were

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Appl. No. 10/829,107
Statement dated September 26, 2005

Patent Case: SF00695C

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not reviewed and not faxed, an oversight that the docket administrator and the undersigned attorney just discovered on September 26, 2005.


CONCLUSION

It is respectfully requested that the Issue Fee payment now be accepted, along with the Petition for Revival.

If Applicants' undersigned attorney can facilitate further examination of this Petition, the Examiner is encouraged to contact the undersigned attorney at the telephone number shown below.

Respectfully submitted,

SCHERING-PLOUGH CORPORATION
Patent Department, K-6-1, 1990
2000 Galloping Hill Road
Kenilworth, New Jersey 07033-0530


Melodie W. Henderson
Reg. No. 37,848
Attorney for Applicant
(908) 298-7482

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